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DISTRICT COURT
MIDDLE DISTRICT ALA

I ~ THE DISTRICT COURT OF THE
UNITED STATES FOR THE MIDDLE DISTRICT OF
ALABAMA NORTHERN DIVISION

HEATH B CLARK
PLAINTIFF
V.

MONTGOMERY CITY POLICE
DEPT. ET. AL.
DEFENDANTS

CIVIL ACTION NO.
2:06-CV-843-MHT

MOTION TO DISMISS COMPLAINT

THE PLAINTIFF MOVES THE COURT TO
DISMISS HIS 42 USC - 1983 CIVIL RIGHTS
COMPLAINT AGAINST THE NAMED DEFENDANTS.

THE PLAINTIFF'S REASONS FOR WANTING A
DISMISSAL COME AS FOLLOWS:

1. THE PLAINTIFF IS INCARCERATED
IN A DIFFERENT STATE THAN THE PLAINTIFFS
a. THE PLAINTIFF HAS ALREADY AND FEELS
HE WILL CONTINUE TO HAVE MULTIPLE PROBLEMS
COMMUNICATING WITH THE COURTS AND
THE DEFENDANTS - (LAWYERS).

B. THE PLAINTIFF IS BEING DEIVED ACCESS TO LONG DISTANCE PHONE CALLS TO CONTACT THE COURT AND TO INVESTIGATE THE TRUE NAMES OF THE "JOHN DOR" DEFENDANTS I PREVIOUSLY NAMED IN MY COMPLAINT.

C. THE PLAINTIFF IN THE FUTURE WILL HAVE NO POSSIBLE WAY TO GET TO FUTURE COURT PROCEEDINGS, FOR HE WILL BE INCARCERATED OUTSIDE THE STATE OF ALABAMA.

D. THE PLAINTIFF HAS MUCH DIFFICULTY IN TRYING TO FIND PROFESSIONAL COUNSEL FOR REPRESENTATION BECAUSE HE IS INCARCERATED AND RESIDES OUT OF THE STATE OF ALABAMA.

2. THE PLAINTIFF CANNOT AFFORD TO PAY THE REST OF THE FILING FEE, HE HAS NO INCOME NOR ANY ONE SENDING HIM MONEY ANY LONGER TO HIS INMATE ACCOUNT.

3. THE PLAINTIFF STRONGLY FEELS THAT THE PLAINTIFFS WHO ARE NAMED - CHIEF OF POLICE ART BAYLON & COUNT - SHERIFF
(2)

D. T. MARSHALL WILL NOT ASSUME RESPONSIBILITY FOR THE MISSING PROPERTY. WHICH WILL MAKE THEM IMMUNE TO THE SUIT AND SINCE I DON'T KNOW THE SUBORDINATE NAMES OF THE OFFICERS WHO HAD POSSESSION OF MY PROPERTY, BY CIVIL LAW PROCEDURES THE "JOHN DOES" ARE IMMUNE ALSO.

4. THE PLAINTIFF - ACTING PROSEC, HAS NO SOURCES IN HIS POSSESSION TO BUILD A CASE AND LITIGATE.

A. THE PLAINTIFF IS INCARCERATED IN A JAIL WHERE NO CIVIL LAW - FEDERAL LAW RULES AND PROCEDURE BOOKS ARE AVAILABLE.

B. THE PLAINTIFF IS UNLETTERED IN LAW, AND WILL HAVE NO "FAIR FIGHT" ON CASE BUILDING SKILLS AGAINST DEFENSE ATTORNEYS.

THE PLAINTIFF WISHES TO FURTHERMORE STATE TO THE COURT - ONLY, THAT HE RESPECTFULLY APOLOGIZES FOR ANY INCONVENIENCES THAT HE HAS CAUSED WITH THIS DECISION. THE PLAINTIFF WAS UNAWARE OF WHAT THIS
(3)

FILING OF A USC 92 1983 COMPLAINT WOULD
 ENTAIL. AND I DO NOT WISH TO FORFEIT
 MY STATEMENTS OF MY CONSTITUTIONAL RIGHTS
 BEING VIOLATED BY MY PROPERTY BEING
 ILLEGALLY SEIZED AND KEPT. MY ARGUMENT
 IS NOT OVER CLOTHES OR ELECTRONICS OR ANY
 OF MY OTHER PROPERTY THAT WAS SEIZED AND
 NOT GIVEN BACK, IT'S OVER THE EXPENSIVE, NEAR
 IRREPLACEABLE BALL CARDS I HAD, WHICH
 TOTALLED UP TO ABOUT 2800.00, THAT I'VE BEEN
 COLLECTING FOR YEARS. MY ARGUMENT IS ALSO
 OVER THE MULTIPLE LETTERS AND MY FAMILY'S
 PHONE CALLS TO BOTH DEPARTMENTS WHERE NO
 REPLIES TO EITHER LETTERS NOR CALL BACKS.

IF I KNEW OF ANY WAY ELSE TO FIGHT MY
 COMPLAINTS AND PROTECT MY RIGHTS, I WOULD,
 BUT I DO NOT. I'M BASICALLY OUT OF A
 LOT OF PROPERTY THAT IS "JUSTLY" MINE.

AGAIN, THE PLAINTIFF RESPECTFULLY APOLOGIZES
 FOR NOT COMPLETING THE COUNT PROCESS. HE
 WISHES NOT TO TAKE UP THE COUNTS TIME
 ANY LONGER WITH A CIVIL CASE NOT OBTAINABLE
 TO WIN.

RESPECTFULLY

SUBMITTED,

ON THIS DATE OF 10.18.06

Heath B Clark

HEATH B. CLARK

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES THAT
A TRUE COPY OF THE FOREGOING HAS BEEN
SENT, VIA FIRST CLASS POSTAGE TO:

D.T. MARSHALL - COUNTY SHERIFF
P.O. BOX 4219
MONTGOMERY, AL. 36103

ART BAYLON - CHIEF OF POLICE
320 N. RIPLEY ST.
MONTGOMERY, AL. 36101

ON THIS DAY OF OCTOBER 18, 2006

Heath B Clark
HEATH B. CLARK
150 CHURCH ST
LEWISBURG, TN.
37091

(5)